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Hours-of-Service Remarks

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Opening

On behalf of President Bush and Transportation Secretary Mineta, thank you for being here today as the Federal Motor Carrier Safety Administration announces the new hours-of-service rule for truck drivers.

Safety is top priority

The new hours-of service regulations form a dynamic rule that addresses the safety challenges of a diverse industry through science-based standards that are understandable and enforceable.

Safety is the Bush Administration's number-one transportation priority. We have a very aggressive goal at the Department of Transportation to reduce fatalities on our nation's highways, so safety is the top issue in our rulemaking process.

Science-based rules

We developed the new hours-of-service rule with the priority in mind of reducing fatigue-related truck crashes, most notably in the long-haul sector where truck driver fatigue is eighteen times greater than that of the short haul sector.

It is important to note, that the research supporting the new rule estimates that only 5.5 percent of all large truck crashes are fatigue-related.

We at FMCSA will continue to look at the science and the data to reduce fatalities in not only this 5.5% of truck crashes which are

fatigue-related but in the *other* 94.5 percent of large truck crashes as well.

For this rulemaking, the Agency consulted with driver health and fatigue experts and academic research institutions, to identify and analyze relevant research. This included reviewing more than 1,000 health-related research articles and dozens of fatigue-related studies.

We also considered nearly 1,800 public comments received in response to the 2005 Hours-of-Service Notice of Proposed Rulemaking, which referenced an additional 200 studies.

This rule includes requirements for drive time behind the wheel, on-duty time, off-duty time, a fatigue recovery period, and sleeper-berth use. It also provides new provisions for short-haul drivers.

More importantly we considered the effect of the hours-of-service rule on the physical condition of drivers. Based on the available research and other data and information, the Agency concluded that today's rule will NOT adversely affect the physical condition of drivers.

Impact on industry

We are aware that our regulations have a major impact on the national economy through industry operations.

We developed this rule on the basis of safety first and foremost, but we try to never lose sight of the operational realities of our complex national transportation system.

This hours-of-service rule provides an increased opportunity for drivers to obtain necessary rest and restorative sleep, while also

recognizing life's realities by providing the flexibility to move products and operate safely.

And we know that these rules are important not only to the "trucking industry," but to all industries that use trucks as critical components of their business operations.

Overview of the new regulation

This final hours-of-service rule announced today differs from the current rule in several important ways.

One significant change is that the final rule contains a new "short-haul" provision. This is for motor carriers whose operations require drivers to return to their work-reporting locations every night and whose duties are conducted solely within a 150 air-mile radius from their terminals.

Under the new rule, drivers of commercial motor vehicles that do *not* require a Commercial Driver's License to operate – generally, vehicles of less than 26,001 pounds gross vehicle weight – may extend their 14-hour duty "window" by two hours twice per week.

These short-haul drivers perform a variety of non-driving tasks during the day, including: loading and unloading, making deliveries, entering and exiting the vehicle many times, lifting and carrying packages, and dealing with customers.

This short-haul provision is supported by research indicating that these drivers are involved in fewer crashes than drivers of other vehicle types, and will be able to remain alert and vigilant for an additional two hours, two days a week.

In fact, this segment of drivers, representing about half of the registered truck fleet, are involved in less than 10% of fatal truck crashes and less than 7% of all fatigue-related fatal truck crashes.

They also return home each evening where restorative sleep is consistently available.

Within these two 16-hour workdays, drivers will be allowed to drive up to 11 hours; and each workday must be preceded by at least 10 consecutive hours off-duty.

This short-haul provision retains the 60- or 70-hour limit, and ALL on-duty and driving hours will count in calculating this limit.

On the other days of the week, these drivers may drive up to 11 hours within a 14-hour window after coming on duty.

Drivers of this type of vehicle will not have to keep a record of duty status, commonly known as a logbook; but the employing motor carrier must maintain **driver** time records for six months.

Another key change in the new rule requires drivers who use sleeper berths to take 8 consecutive hours in the sleeper berth, plus another two consecutive hours off-duty. The additional two hours may be taken in or out of the sleeper berth.

Today's rule addresses the concerns about driver fatigue resulting from sleep fragmentation by requiring a *consecutive* 8-hour sleeper-berth period.

This allows drivers to obtain one primary period of sleep and have a second 2-hour off-duty or sleeper berth period to use at their discretion for breaks, naps, meals, and other personal matters.

In the 2003 rule, the agency increased required off-duty time to 10 consecutive hours, thereby increasing the opportunity for drivers to sleep an additional two hours per day. This new rule adopts the 10 consecutive hour provision of off-duty time.

The longer off-duty time allows drivers opportunities for regular schedules and increases the potential for quality sleep.

The studies on fatigue indicate that the amount and quality of sleep a person receives has a strong influence on alertness. Available data show that drivers are, in fact, getting more sleep than they were under the pre-2003 rule.

Our research shows that drivers are now sleeping over 1 hour more than under the pre-2003 rule and are now getting the sleep necessary to maintain a healthy lifestyle. This is a vast improvement over previous sleep findings.

Today we are adopting a drive-time limit of 11 hours, because of the proven increase in daily restorative sleep 10 consecutive off-duty hours provides, and because of the added flexibility it provides drivers when needed.

The new rule, just as the 2003 rule, prohibits drivers (other than short-haul) from driving beyond the 14th hour after coming on duty following 10 consecutive hours off duty.

We are also adopting the 34-hour recovery provision that was in the 2003 HOS rule.

The agency determined that the research on CMV drivers supports the assessment that a period of 34 hours is sufficient for recovery from cumulative fatigue.

We believe it will provide drivers the opportunity for two nights of sleep.

We also decided to adopt the provisions about maximum weekly time.

Drivers may not drive after reaching a maximum of 60 hours of on-duty time in any consecutive 7-day period, or 70 hours in any consecutive 8-day period. But drivers may restart that maximum on-duty period of 60- or 70-hours by taking 34 consecutive hours off-duty.

I am confident, that the rule provisions we are announcing today will prevent large truck-related fatalities and injuries.

Electronic On-board Recorders (EOBRs)

One issue that has been closely tied to the Hours of Service rule has been that of Electronic On-board Recorders.

While we are not including EOBR's in this rulemaking, we did announce an Advance Notice of Proposed Rulemaking last year.

We have reviewed comments received in the public docket – from drivers, trucking and industry associations, and safety advocacy groups – and we continue to collect and analyze data on the costs and benefits of electronic on-board recorders.

Beyond cost issues, developing rules and technical specifications for these devices is a highly complex endeavor.

The importance and complexity of electronic on-board recorder issues warrant a separate rulemaking, which we are now developing.

We anticipate publishing a Notice of Proposed Rulemaking on this matter in early 2006.

Enforcement, training, and State adoption

Because of the complexities of the rule and the realities of the marketplace, the agency recognizes that neither enforcement agencies nor the motor carrier industry will be able to implement every provision of the new regulations immediately upon the rule's effective date of October 1, 2005.

Our agency will continue to work with State and other safety partners and stakeholders to assure a smooth transition to the new regulations.

We have developed outreach materials to assist the public, motor carriers, drivers, and the enforcement community in understanding the major changes in new hours-of-service regulations.

We will also distribute materials at truck stops and trade shows.

All of this information will also be available on our Web site at www.fmcsa.dot.gov.

Additionally, we will provide the industry with a transitional period to make required adjustments to the new hours-of-service rules.

This transitional period begins on the effective date of the rule – October 1, 2005 – and ends on December 31, 2005.

This interim period is intended to allow carriers time to modify hours-of-service educational materials and train their employees on these changes.

At the same time, States will have to revise their enforcement manuals, reprogram their computers, and retrain roadside personnel.

During this transitional period, we will monitor carriers for egregious violations of the new regulations.

Closing

This new hours-of-service rule, based on comprehensive and extensive scientific research, addresses driver health and improves safety; yet it also provides flexibility for the truck drivers and motor carriers that keep America's economy moving.

We hope that this new rule ends the uncertainty that the enforcement community and industry have experienced regarding HOS.

And we are confident these regulations are an important step toward improving highway safety that will help prevent motor carrier crashes.

We will work with our State partners, as always, to ensure a smooth implementation and uniform enforcement.

Thank you very much for being with us today.